

PATENT COOPERATION TREATY
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC0055	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/IB2004/000922	International filing date (day/month/year) 26.03.2004	Priority date (day/month/year) 26.03.2003	
International Patent Classification (IPC) or national classification and IPC E04B2/74			
Applicant GRANDI, Ruggero et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. *(sent to the applicant and to the International Bureau)* a total of sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 25.10.2004	Date of completion of this report 07.06.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Telephone No. +31 70 340- 3755 Fordham, A.



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. I Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 - With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

17-77 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	5-16
	No:	Claims	1-4
Inventive step (IS)	Yes:	Claims	6-9
	No:	Claims	1-5,10-16

Industrial applicability (IA)

Yes: Claims
No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

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~ Re Item V.

- 1 The following document is referred to in this communication:
D1 : GB 2 309 233 A (MHR DESIGNS LIMITED) 23 July 1997 (1997-07-23)
- 2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (see for example Fig. 1, the references in parentheses applying to this document):

a frame structure for partition walls of building rooms, comprising a plurality of substantially vertical and substantially horizontal elongate support members, which are mutually connected at their ends to define a substantially rigid frame work, at least one of said elongate members comprising a base profile (200) which has at least one central portion (203) adapted to define a housing for the peripheral edges of a partition wall* and two end portions (219) adapted to engage with lateral profiles* for accommodating the peripheral edges of the partition, whereby said central portion is substantially parallel to and offset from a geometric plane (D-D') defined by said end portions, so as to increase the height of said housing, while maintaining the same transverse dimension of said elongate support members.

(*Regardless of whether the central portion and the two end portions actually house respectively engage the partition wall and lateral profiles of the type claimed, they are of a shape that would allow this, i.e. they are adapted to do so, as stated in the claim.)

3 DEPENDENT CLAIMS 2-5, 10-16

Dependent claims 2-5, 10-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT - see Box no. V).

4 DEPENDENT CLAIMS 6-9

The combination of the features of dependent claims 6-9, is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

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- 4.1 Since the same base profile as that referred to in paragraph 2.1 above is disclosed in D2 as acting, inter alia, as a spacer profile of the type described in claim 6, the skilled person would have no reason to adapt its shape further.
- 4.2 Claims 7-9 are dependent on claim 6 and as such must also satisfy the requirements of the PCT in respect of novelty and/or inventive step if claim 6 does so.